

DAVID BERRY, 8-29-07

1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES))
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

No. 4:05-CV-00329-TCK-SAJ

THE VIDEO DEPOSITION OF DAVID BERRY,
produced as a witness on behalf of the Defendants, in
the above styled and numbered cause, taken on the 29th
day of August, 2007, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Marlene Percefull,
Certified Shorthand Reporter, duly certified under and
by virtue of the laws of the State of Oklahoma.

TULSA FREELANCE REPORTERS
918-587-2878

DAVID BERRY, 8-29-07

2

A P P E A R A N C E S

FOR THE PLAINTIFF:

Ms. Sharon K. Weaver
Ms. Holly M. Hillerman
Attorney at Law
502 W. 6th St.
Tulsa, OK 74101

FOR TYSON FOODS:

Mr. Michael Bond
Attorney at Law
The Three Sister Bldg.
214 West Dickson Street
Fayetteville, AR 72701
-and-
Mr. Robert George
(via phone)

FOR CARGILL:

Ms. Theresa Noble Hill
Ms. Carla Jimerson
Attorney at Law
100 West 5th Street
Suite 400
Tulsa, OK 74103
-and-
Mr. John Tucker
(via phone)

FOR SIMMONS FOODS:

Mr. John Elrod
Attorney at Law
211 East Dickson Street
Fayetteville, AR 72701

FOR PETERSON FARMS:

Ms. Nicole Longwell
Mr. Craig Mirkes
Attorney at Law
320 S. Boston
Suite 700
Tulsa, OK 74103

FOR GEORGE'S:

Mr. James Graves
Attorney at Law
221 North College
Fayetteville, AR 72701

**TULSA FREELANCE REPORTERS
918-587-2878**

DAVID BERRY, 8-29-07

3

1 FOR CAL-MAINE:

Mr. Robert Sanders
Attorney at Law
2000 AmSouth Plaza
P. O. Box 23059
Jackson, MS 39225
(via phone)

5 FOR WILLOW BROOK:

Ms. Jennifer Griffin
Attorney at Law
314 East High Street
Jefferson City, MO 65109
(via phone)

9 FOR OK DEPARTMENT OF
AGRICULTURE5:

Ms. Janet Stewart
Attorney at Law
2800 No. Lincoln Blvd.
Oklahoma City, OK 73152

**TULSA FREELANCE REPORTERS
918-587-2878**

DAVID BERRY, 8-29-07

241

1 chicken litter to be a valuable asset? 4:07PM

2 **A** It's a fertilizer for their hay fields.

3 **Q** And I think I heard your testimony this morning
4 that your parents didn't use commercial fertilizer?

5 **A** No, sir, we never have. 4:08PM

6 **Q** And do you see -- strike that. Just from having
7 lived on the earth, you know that most commercial
8 fertilizer comes from a petroleum based beginning,
9 either that or mining?

10 **A** I'm not real educated on it, but yeah. 4:08PM

11 **Q** All right. And you're aware that the price, cost
12 of commercial fertilizer has skyrocketed in the last
13 three years?

14 **A** Yes, sir.

15 **Q** And in your view, does the cost of commercial 4:08PM
16 fertilizer make chicken litter even more of a valuable
17 asset?

18 MS. WEAVER: Object to form.

19 **A** I've been told that.

20 **Q** All right, sir. And I think I've heard your 4:08PM
21 testimony that your growers have been cooperative with
22 you, is that true, sir?

23 **A** Yes, sir.

24 **Q** Have they have been courteous to you?

25 **A** Yes, sir. 4:08PM

**TULSA FREELANCE REPORTERS
918-587-2878**